

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VISTO CORPORATION,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 2:05-CV-546 (DJF)

JURY DEMANDED

**IDENTIFICATION OF PRIOR ART PURSUANT TO 35 U.S.C. § 282
By Defendant Microsoft Corporation Pursuant to Fed. R. Civ. P. 26(a)(3)**

Pursuant to 35 U.S.C. § 282, defendant Microsoft Corporation hereby submit this identification of prior art to be relied upon for anticipation and/or obviousness of the patents-in-suit, and/or to show the state of the art. Defendants reserve the right to supplement this statement as appropriate.

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III. Prior System, Invented/Made/Used/Sold by, Date

- AOL Internet Services was publicly disclosed, used as early as 1995
- Lotus Notes was publicly disclosed, used, sold and/or offered for sale by Lotus Development Corp. at least as early as 1995.
- The Bayou system was publicly used and/or disclosed at least as early as December 1995 by D. Terry, M. Theimer, K. Peterson, Alan Demers, M. Spreitzer, and C. Hauser.
- The Coda system was publicly used and/or disclosed at least as early as February 1996 by M. Satyanarayanan, J. Kistler, P. Kumar, M. Okasaki, E. Siegel and D. Steere.
- Locus System was publicly disclosed by Eliezer Levy and Abraham Silberschatz at least as early as December 1990
- Microsoft Briefcase was publicly used and/or disclosed, sold and/or offered for sale by Microsoft at least as early as August 1995.
- Microsoft Network was publicly used no later than August 1995
- Win CE 1.0 was publicly used and/or disclosed, sold and/or offered for sale by Microsoft at least as early as November 1996.
- IMAP was publicly used and/or disclosed by M. Crispin and R. Austein at least as early as December 1994.
- PCMail was publicly used and/or disclosed by M. Lambert at least as early as June 1998.

- RDIST and SSH were publicly used and/or disclosed by Michael A. Cooper, Tatu Ylonen, Ade Rixon, and by RDIST and SSH manuals at least as early as July 17, 1995.
- RSYNC was publicly released by Andrew Tridgell in June or July 1996.
- Rumor was publicly used and/or disclosed by P. Reiher at least as early as June 1996.
- SSH was publicly released by Tatu Ylonen in 1995
- Palm devices were publicly used and/or disclosed, sold and/or offered for sale by Palm, Inc. at least as early as 1996.
- Internet Explorer 1.0 was publicly used and/or disclosed, sold and/or offered for sale by Microsoft at least as early as July 1995.
- Internet Explorer 2.0 was publicly disclosed, used, sold and/or offered for sale by Microsoft at least as early as November 1995.
- Internet Explorer 3.0 was publicly disclosed, used, sold and/or offered for sale by Microsoft at least as early as August 1996.
- Microsoft Internet Mail and News was publicly used and/or disclosed, sold and/or offered for sale by Microsoft at least as early as 1996.
- Microsoft Outlook was in public use and/or on sale by 1997
- Netscape Mail Server was in public use and/or on sale by 1995
- Netscape News Server was in public use and/or on sale by 1995
- Big Sky Technologies' Remark! System was in public use and/or on sale by 1995
- cc:Mail was in public use by Lotus no later than 1995
- Simmon Personal Communicator by IBM/Bell South was publicly disclosed no later than by June 1994
- Envoy Smartphones by Motorola was publicly disclosed no later than January 1995
- Apple Newton based PDA's was publicly disclosed no later than January 1995
- WebFS was publicly used by May 1996 by Amin Vahdat

DATED: September 04, 2007

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents were filed on this 4th day of September, 2007, via the Court's electronic filing system. True and correct copies of the foregoing document were served electronically on all counsel of record.

/s/ Sean Mills

Sean Mills